

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**
www.flmb.uscourts.gov

In re:

Case No. 2:18-bk-05041-FMD
Chapter 13

Silvia Nunez

Debtor.

_____ /

**TRUSTEE'S MOTION TO DISMISS FOR
FAILURE TO COMPLY WITH ORDER CONFIRMING PLAN**

A preliminary hearing in this case will be held telephonically on September 16, 2021 at 2:15 pm before the Honorable Caryl E. Delano, United States Bankruptcy Judge. Parties should arrange a telephonic appearance through Court call at the following number 866-582-6878

COMES NOW, JON M. WAAGE, the Chapter 13 Standing Trustee, hereby moves for the entry of an Order of Dismissal, without prejudice, and in support thereof would state as follows:

1. The current Debtor's Petition for Relief under Chapter 13 of the Bankruptcy Code was filed on June 19, 2018.
2. On June 25, 2019 the Court entered an Order Confirming Debtor's Plan. The Order Confirming Plan provided in part that the Debtor must commit all tax returns and refunds to the Plan each year during the applicable plan period beginning with tax year 2018.
3. It appears as though the Debtor has failed to comply with the Order Confirming Plan to provide her 2020 federal income tax return and any refund she might have received. **Failure to turn over the return and any refund may result in a dismissal of your case for failure to comply with the Court Order.**

WHEREFORE, the Trustee respectfully requests that the Court enter an Order of Dismissal, without prejudice, together with such other and further relief as the Court deems just and proper.

/s/ Jon M. Waage
Jon M. Waage
Chapter 13 Standing Trustee
Post Office Box 25001
Bradenton, Florida 34206-5001
Phone: (941) 747-4644
Fax: (941) 750-9266

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Motion to Dismiss was furnished electronically by CM/ECF services and/or by U.S. Mail to **Silvia Nunez**, Debtor, 2935 44th St SW, Naples, FL 34116 and **Luis F Navarro, Esquire**, Attorney for Debtor, c/o Navarro McKown, 66 West Flagler Street, 6th Floor, Miami, FL 33130 on this 18th day of August, 2021.

/s/ Jon M. Waage
Jon M. Waage

JMW/ss